

Remarks:

In the Office Action dated April 7, 2010, all of the currently pending claims were rejected by the Examiner. In response, Applicant has cancelled claims 4, 9 and 15, and amended claims 1, 20, 29, 35, 41, 43, 46 and 49. In view of the above amendments and following remarks reconsideration of this application is requested.

In the Office Action, the Examiner indicated that original claims 20-22, 26, 29-32, 35-38 and 43-51 were objected to as depending on a rejected based claim. The Examiner indicated that if these claims were re-written in independent form they would be allowed. Accordingly, Applicant has amended claims 20, 29 and 35 to insert the limitations of claim 1 therein. Thus, these claims now define the retinoid ester in accordance with the formula of claim 1 set forth in the Amendment of January 28, 2010. In addition, Applicant has amended claims 43, 46 and 49 to include all of the limitations of original claim 41 therein, as claim 41 stood in the Amendment of January 28, 2010. As a result of the amendments to these claims, Applicant believes claims 20-22, 26, 29-32, 35-38, and 43-51 are now all allowable, and respectfully requests the Examiner to indicate such in the next Communication from the USPTO.

In the Office Action, claims 1, 4, 7, 9, 12-15 and 41 were rejected under 35 U.S.C. §102(b) as being anticipated by Japanese abstract JP 9185159. In response, Applicant has cancelled claims 4, 9, and 14-15 as well as amended claims 1 and 41. Applicant believes the amendments to claims 1 and 41 now clearly distinguish claims 1 and 41 from the Japanese abstract cited by the Examiner.

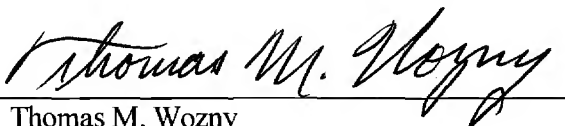
More specifically, claims 1 and 41 now have been amended to limit the functional group to straight chain or branched alkyl groups in all isomeric forms having two to five carbon atoms. The prior art Japanese abstract only illustrates a tertiary butyl structure as the functional group, and thus Applicant has revised claims 1 and 41 to eliminate tertiary butyl groups from the scope thereof. Thus, claims 1 and 41 are now clearly no longer anticipated by the Japanese abstract cited by the Examiner, and accordingly, Applicant respectfully requests the Examiner allow claims 1 and 41 as well as dependent claims 7, and 12-13.

Application No. 10/758,767
Amendment dated August 2, 2010
Response to Office Action dated April 7, 2010

An effort has been made to place this application in condition for allowance and such action is earnestly requested.

Respectfully submitted,

ANDRUS, SCEALES, STARKE & SAWALL, LLP

By 
Thomas M. Wozny
Reg. No. 28,922

100 East Wisconsin Avenue, Suite 1100
Milwaukee, Wisconsin 53202
Telephone: (414) 271-7590
Facsimile: (414) 271-5770